

5. Minneapolis Area Office Recommends Approval Under IGRA

The task of analyzing the Hudson application in the Minneapolis Area Office fell to Timothy LaPointe. LaPointe had been hired by the MAO as a tribal operations specialist in May 1994. He was named the gaming coordinator for the MAO, although he had no prior experience in gaming matters.

When LaPointe assumed his new position in June 1994, he was directed to review the file of correspondence sent in reply to the December 1993 consultation letters on Hudson, and told to advise Area Director Homer of the status of the application. Because he had not previously handled a gaming acquisition, LaPointe, a lawyer, familiarized himself with the process by researching IGRA and other related law,¹⁰⁰ by reviewing the work previously performed by the MAO on the 1992 application of the Sault Ste. Marie Tribe of Chippewas to conduct gaming in the Greektown area of Detroit, and by reviewing a copy of the findings prepared in connection with the 1992 application submitted by the Siletz tribe in Oregon.¹⁰¹

¹⁰⁰LaPointe told investigators that he relied upon a draft version of the Checklist for reviewing off-reservation gaming applications, which was finalized later in 1994. *See supra* at 37-40. The Checklist did not make clear whether an applicant needed to submit a separate application to show compliance with IRA and 25 C.F.R. Part 151 requirements for land acquisitions. The applicants later submitted additional information to comply with the remaining provisions of IRA and Part 151. The MAO's eventual positive recommendation under IRA and its regulations in Part 151 was forwarded to IGMS by letter dated April 20, 1995.

¹⁰¹LaPointe told investigators that he also contacted the National Indian Gaming Commission on or about June 12, 1994, to ask how long consideration by the NIGC might take, in part because he did not feel experienced enough to review the real estate and financial agreements between the tribes and their non-Indian partners. He was advised that it could take up to a year for NIGC approval but that employees of the management company whose contract with the tribe was pending review could be hired as employees of the tribe during the pendency of the review. An NIGC financial analyst told investigators that this was her standard time estimate and advice in that time period, although reviews are currently taking place at a faster
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